

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:04CV58-03-MU

GARY MORTON,

Plaintiff,

v.

DEBBIE DELAPORTE, et al.,

Defendants.

**ORDER**

**THIS MATTER** is before this Court upon Defendant Delaport's Motion to Dismiss (Document No.40.) It appears that the Defendant Delaporte may be entitled to have her Motion to Dismiss granted .

**PETITIONER MORTON READ THIS:**

You now have the opportunity to reply to the Defendant Delaporte's Motion. You may not allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original Complaint and/or those set forth in the Defendant Delaporte's Motion to Dismiss.

You are further advised that you have twenty (20) days from the filing of this Order in which to file your reply in opposition to the respondent's Motion to Dismiss. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Plaintiff has twenty (20)

days from the filing of this Order in which to provide a response to Defendant Delaporte's Motion to Dismiss.

**SO ORDERED.**

Signed: July 10, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

